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# FACSIMILE

DATE: December 15, 2003

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Examiner: Ardin H. Marshall  
 U.S.P.T.O. Group Art Unit: 1631  
 Telecopier No.: 703-746-4991  
 U.S. Serial No.: 08/973,381  
 Client/Matter No.: ISIS-2297  
 Sender's Name: Joseph D. Rossi  
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Attached hereto is/are the following documents, per your telephone request of December 15, 2003:

- 1) Copy of Terminal Disclaimer for prior Patent No. 6,184,389
- 2) Copy of Terminal Disclaimer for prior Patent No. 5,886,177
- 3) Copy of Terminal Disclaimer for prior Patent No. 6,448,373

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 3 0 2004

In Re Application of:

Normand Hebert

Confirmation No.: 6836

Application No.: 08/973,381

Group Art Unit: 1631

Filing Date: March 25, 1998

Examiner: Ardin H. Marschel

For: OLIGOMERIC AMINODIOL-CONTAINING COMPOUNDS, LIBRARIES  
THEREOF, AND PROCESS OF PREPARING THE SAMETERMINAL DISCLAIMER TO OBLVIAE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT

The owner, Isis Pharmaceuticals, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,184,389. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction,

DOCKET NO.: ISIS-2297

- 2 -

## PATENT

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

*(Check either box 1 or 2 below, if appropriate)*

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

The required statement under 37 CFR § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

## FEE STATUS

3. Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.

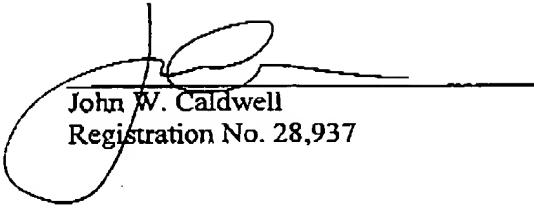
4. Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:

DOCKET NO.: ISIS-2297

- 3 -

PATENT

- an Independent Inventor
- a Small Business Concern
- a Nonprofit Organization
- Small Entity - \$55.00
- 5. Other than a Small Entity - \$110.00

Date: *August 18 2003*  
John W. Caldwell  
Registration No. 28,937

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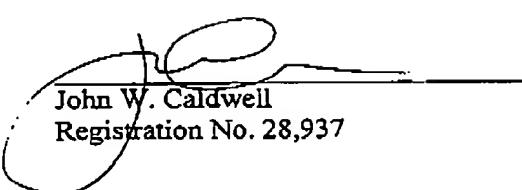
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